

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 17-10158-FDS
ALBERT TADERERA,)
Defendant.)

GOVERNMENT'S SENTENCING MEMORANDUM

The United States submits this Sentencing Memorandum in the above-captioned case, currently scheduled for sentencing on April 12, 2019. For the reasons outlined in this memorandum, the Government believes that a sentence of 36 months' imprisonment is the appropriate sentence in this matter. Following the completion of this sentence, the Government requests that the defendant be on supervised release for a period of 36 months, be ordered to pay restitution in the amount of \$11,561 to the Winchester Savings Bank, and be required to pay a mandatory special assessment of \$100.

I. PROCEDURAL HISTORY

On March 24, 2017, a criminal complaint was issued in this district charging Albert Taderera ("Taderera") with one-count of armed bank robbery, in violation of 18 U.S.C. § 2113(a) and (d). Taderera was arrested on March 24, 2017, at Dulles International Airport in Virginia, while attempting to board a flight to South Africa. On April 7, 2017, Taderera made an initial appearance in this district and was ordered detained in federal custody.

On June 1, 2017, Taderera was charged with one-count Indictment with armed bank robbery. On January 4, 2019, Taderera pled guilty to Count One of a Superseding Information charging him with armed bank robbery. Count Two of the Superseding Information, also charging armed bank robbery, is scheduled to be dismissed by the Government at sentencing. Taderera's plea was tendered pursuant to a binding plea agreement pursuant to Fed.R.Crim.P. 11(c)(1)(C).

II. FACTS

The facts, as stated in the Pre-Sentence Report ("PSR"), are uncontested.¹

On October 16, 2015, at approximately 1:00 p.m., an individual, later determined to be Taderera, entered a branch of the Winchester Savings Bank located at 108 Medford Street, Arlington, Massachusetts. Taderera approached a bank teller ("Teller #1") and demanded money. Teller #1 recalled that Taderera stated, in substance, "Give me your money, hurry up, I have a gun" later adding, "I want large bills". Teller #1 then began handing Taderera U.S. currency from her drawer. Taderera then approached a second teller ("Teller #2") brandishing what appeared to be a black semi-automatic pistol and making similar

¹ As of the date of this filing, no objections have been filed relative to the statement of relevant conduct.

statements. Taderera continued going back and forth between the two tellers to collect U.S. currency from both drawers. While providing with Taderera's demands Teller #2 slipped "bait bills" and "dye packs" in with the U.S. currency. Taderera took the money and exited the bank. After Taderera left the bank, Teller #2 observed him run through a cluster of trees and out the back of the bank's yard.

Following the robbery, law enforcement officers interviewed the tellers who had interacted with Taderera. Both tellers described the robber as a thin male, 5'10" in height, and wearing all black clothing, including a dark hooded sweatshirt, mask, and gloves.

The bank's interior and exterior bank surveillance cameras were functioning and operating on the date of the robbery. The bank's interior cameras captured images of Taderera as he entered the bank, robbed the tellers, and subsequently exited the bank. The interior cameras also captured images of Taderera wearing all black clothing, including a dark, hooded sweatshirt, and a black facemask. The interior video cameras also show what clearly appears to be a black-semi automatic handgun.

The bank's exterior cameras captured images of Taderera as he exited a wooded area to approach the bank prior to the robbery. These exterior cameras also capture images of Taderera as he exits the bank following the robbery. On these videos

Taderera is observed wearing a dark-colored, hooded sweatshirt and dark pants.

A post-robbery audit determined that Taderera had taken \$11,561.00 in U.S. currency during the robbery.

Following the robbery, law enforcement became aware that a witness had observed an individual, described as a black male, walking on Maynard Street at a time after the robbery. The yard on Maynard Street where the witness observed this individual backs up to the back yard of the TD Bank on Medford Street. The witness stated that she initially smelled something burning.² The witness looked and observed this individual walking on Maynard Street. As she observed this individual, she noticed that he dropped a small object to the ground. The witness described this individual as a black male, with some facial stubble, wearing a gray t-shirt, dark pants and carrying a black hooded sweatshirt.

The law enforcement officers retrieved the object, which was identified as a black knit hat ("the hat"). The hat was placed into evidence and later sent to the FBI's laboratory for analysis.

² Law enforcement opined that the dye-pack given to the robber by Teller #2 had detonated.

The witness stated that she could provide a description of the individual she had observed drop the hat to the ground. A sketch artist was summoned and an image of the individual was produced. The sketch image depicted a thin black male with dark hair and facial stubble.

On October 19, 2015, the FBI's laboratory confirmed the presence of a mixture of male DNA in the hat. The DNA results obtained from the tested item were not eligible for entry into the Combined DNA Index system ("CODIS"). The results were maintained for future comparison.

IDENTIFICATION AND ARREST OF ALBERT TADERERA

On Friday March 24, 2017, a criminal complaint was issued in this district charging Taderera with the October 7, 2016, robbery of the TD Bank in Wayland. On that same date, at approximately 10:30 a.m., the FBI arrested Taderera at Dulles International Airport in Virginia as he was attempting to board a flight to South Africa.

While in custody, Taderera's DNA was obtained and forwarded to the FBI laboratory for analysis. On April 3, 2017, the FBI compared the DNA that they had obtained from Taderera on March 24, 2017, with the DNA that was found on the hat that was discarded during the October 16, 2015 robbery of the Winchester Savings Bank in Arlington. That test concluded that Taderera's DNA was inside the hat.

III. GUIDELINE ANALYSIS

A. Offense Level Computation

¶ 30 Adjusted Offense Level:

The Government agrees with Probation's conclusions that, the Adjusted Offense Level is 25.

¶¶ 34 Total Offense level:

The Government agrees with Probation's conclusions that, with acceptance of responsibility, the Total Offense Level is 22.

PART B. The Defendant's Criminal History

¶ 42 Criminal History Computation:

The Government agrees with Probation's conclusions that, the defendant's criminal history score is three, which establishes a criminal history category of II.

PART D. Sentencing Options

¶ 92 Guideline Provisions:

The Government further agrees with Probation that, based on a total offense level of 22 and a criminal history category of II, Taderera's guideline imprisonment range is 46-57 months' imprisonment.

¶ 93 Impact of Plea Agreement

The parties have entered into a binding plea agreement, pursuant to Fed.R.Crim.P. 11(c)(1)(C). Under the terms of this agreement, the parties have jointly agreed to recommend a term

of imprisonment between 24 and 36 months, supervised release for a period of three years, restitution of \$11,561, and a special assessment of \$100.

IV. SENTENCING RECOMMENDATION

18 U.S.C. § 3553(a) requires a sentencing court to consider specific enumerated factors when determining an appropriate sentence. These factors include: 1) the nature and circumstances of the offense and the history and characteristics of the defendant and 2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide for the needs of the defendant.

Taderera and the Government have entered into a binding plea agreement. Under the terms of the agreement, the parties are free to recommend a sentence between 24 and 36 months' imprisonment, supervised release for 36 months, restitution of \$11,561, and a special assessment of \$100. The Government believes a sentence of 36 months' imprisonment, the high-end of the agreed sentencing range, is fair and just and takes into account the factors enumerated in 18 U.S.C. § 3553(a).

Taderera, a citizen of Zimbabwe, came to the United States in 2000 to attend college, and is currently classified as a

Legal Permanent Resident. According to the Pre-Sentence report, Taderera obtained a high school degree, while in Zimbabwe, and an associate degree from Lansing Community College (Michigan).

Taderera has been married on two occasions and has two minor children living in the United States. Taderera described his upbringing and his family as middle-class. Taderera's parents and his three sisters are all gainfully employed and reside in Zimbabwe, Botswana, and South Africa.

Taderera's criminal history, while not severe, includes convictions of:

- 2008-motor vehicle violations;
- 2010 operating on a suspended license;
- 20010 operating on a suspended license; and
- 2011 domestic assault and battery.

Taderera had several opportunities afforded to him from his education and alleged frequent employment. Rather than take advantage of legal means to pursue a livelihood, Taderera carefully and meticulously planned an armed robbery. He committed a crime of violence: brandishing a gun, threatening bank tellers, and intimidating the public. The Government's recommendation seeks to balance Taderera's lack of a significant record while ensuring he remains punished and deterred for a crime of violence.

V. **CONCLUSION**

Taderera's actions are unacceptable. Taderera's sentence is dictated by his own actions and decisions, and is necessary to protect the public, and to deter similar conduct from others.

The Government abides by the terms set out in the Plea Agreement and requests this Court sentence Taderera to 36 months' imprisonment. Following the completion of this sentence, the Government requests that Taderera be placed on supervised release for a period of 36 months, be ordered to pay restitution of \$11,561 to the Winchester Savings Bank, and a mandatory special assessment of \$100.

This is a just and appropriate sentence as dictated by the circumstances of this case and Taderera's criminal history.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ Kenneth G. Shine
KENNETH G. SHINE
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Kenneth G. Shine
KENNETH G. SHINE
Assistant U.S. Attorney

